

P-421, 501/CP-90-357 ORDER CERTIFYING POLLING RESULTS, DENYING
PETITION, AND CLOSING DOCKET

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm
Tom Burton
Marshall Johnson
Cynthia A. Kitlinski
Dee Knaak

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Petition for
Extended Area Service from the
Bena Exchange to the Cass Lake
and Bemidji Exchanges

ISSUE DATE: October 8, 1993

DOCKET NO. P-421, 501/CP-90-357

ORDER CERTIFYING POLLING
RESULTS, DENYING PETITION, AND
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PROCEDURAL HISTORY

On May 14, 1990, subscribers in the Bena exchange petitioned for extended area service (EAS) from Bena to the Cass Lake and the Bemidji exchanges. Arrowhead Communications Corporation (Arrowhead) provides local telephone service to Bena.

On December 17, 1990, the Commission issued its ORDER REQUIRING THE FILING OF COST STUDIES AND PROPOSED RATES in the above-captioned matter. In that Order the Commission found that Bena is adjacent to the Cass Lake/Bemidji local calling area (LCA), and that sufficient traffic volume was sustained between the petitioning exchange and the petitioned LCA. The EAS petition had thus met the first two of three requirements under the EAS statute, Minn. Stat. § 237.161.

On September 28, 1992, the Commission issued its ORDER ADOPTING RATES FOR POLLING. On December 14, 1992, the Commission issued its ORDER RESETTING RATES.

Between June 30 and August 31, 1993, Bena subscribers were informed of the proposed EAS rate additives and were polled to determine if a majority favored the installation of EAS to the Cass Lake/Bemidji LCA.

The Commission met on September 14, 1993, to consider the results of the polling.

FINDINGS AND CONCLUSIONS

Under Minn. Stat. § 237.161, the Commission shall grant a petition for the installation of EAS only if the following three criteria are met:

1. The petitioning exchange is contiguous to an exchange or local calling area to which extended area service is requested in the petition;

2. At least 50 percent of the customers in the petitioning exchange make one or more calls per month to the exchange or local calling area to which extended area service is requested, as determined by a traffic study;
3. Polling by the Commission shows that a majority of the customers responding to a poll in the petitioning exchange favor its installation, unless all parties and the Commission agree that no polling is necessary.

In this case, the Commission has previously determined that the petition has fulfilled the first and second requirements of the EAS statute. The Commission must now determine if the third and final criterion has been fulfilled.

Approximately 69 percent of Bena subscribers responded to the EAS poll. Of those responding, 52 voted in favor of the installation of EAS and 86 voted against it. Since a majority of those responding did not vote in favor of EAS, the petition has failed to meet the third and final criterion under Minn. Stat. § 237.161.

The Commission will certify the polling results, deny the petition, and close the docket.

ORDER

1. The Commission certifies the polling results set forth in this Order.
2. The Bena-Cass Lake/Bemidji EAS petition is denied.
3. Within 10 days of the date of this Order, Arrowhead shall submit to the Commission a proposed notice of polling results, in the form of a bill insert. After receiving Commission Staff approval of the proposed notice, Arrowhead shall notify its Bena customers of the polling results in the earliest possible billing cycle.
4. Within 30 days after it has given notice to Bena subscribers, Arrowhead shall notify Commission Staff of that fact in writing and this docket will be closed.
5. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Susan Mackenzie
Acting Executive Secretary

(S E A L)